

## REMARKS

This is intended as a full and complete response to the Final Office Action dated July 30, 2008. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections - 35 U.S.C. § 102***

The Examiner rejected claims 1-3, 6-19, 22, 23, 25, 29-35, 42, 43, 49, 52, 53, 63-65, 98-100 under 35 U.S.C. § 102(e) as being anticipated by Metcalfe, US 6,543,552 (hereafter, Patent '552). Applicants respectfully traverse the rejection.

Claims 1 and 100 include the limitations of at least one expansion member adapted to expand a tubing by inducing a hoop stress in the tubing and at least one further expansion member adapted to expand the tubing by inducing a compressive yield of the tubing. The Examiner relies on Patent '552 to teach these limitations, however, the Examiner incorrectly identifies a portion of an expander disclosed in Patent '552 as a "hoop stress expansion member" (see page 3 in the Office Action). More specifically, the "hoop stress expansion member" identified by the Examiner does not expand the tubing by inducing a hoop stress. In support of this argument, Applicants provide herewith a Declaration from Mr. Simpson who is an inventor in Patent '552. Mr. Simpson's Declaration is filed pursuant to 37 CFR §1.132. In view of Mr. Simpson's Declaration, Patent '552 fails to teach, show or suggest a device having "at least one expansion member adapted to expand a tubing by inducing a hoop stress in the tubing... and at least one further expansion member adapted to expand the tubing by inducing a compressive yield of the tubing, wherein... the device is arranged such that expansion of the tubing to a desired final diameter is carried out using the hoop stress inducing expansion member," as recited in claims 1 and 100.

As the foregoing illustrates, Patent '552 does not anticipate or render obvious claim 1 or 100 or any claim dependent thereon. Accordingly, Applicants respectfully request withdrawal of the. § 102(e) rejection and allowance of claims 1-3, 6-19, 22, 23, 25, 29-35, 42, 43, 49, 52, 53, 63-65, and 98-100.

***Claim Rejections - 35 U.S.C. § 103***

The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Patent '552 in view of Lauritzen, U.S. 6,722,441 (hereafter, Patent '441). Applicants respectfully traverse the rejection.

Claim 44 depends from claim 1. As set forth herein, Patent '552 fails to disclose all the limitations of claim 1. Further, Patent '441 fails to overcome the deficiencies of Patent '552. Therefore, the combination of Patent '552 and Patent '441 fails to render claim 44 obvious. Applicants respectfully request the 103(a) rejection of claim 44 be removed and allowance of the same.

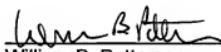
***Allowable Subject Matter***

The Examiner indicated that claim 45 is allowed. Applicants appreciate allowance of this claim.

***Conclusion***

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

  
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